

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE RAMON CRAVER,
Plaintiff,
v.
A. HERNANDEZ,
Defendant.

Case No. 2:21-cv-00210-JDP (PC)

ORDER DENYING PLAINTIFF'S MOTIONS
FOR APPOINTMENT OF COUNSEL

ECF Nos. 11, 15

Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. He has filed two motions that request he be appointed counsel. ECF Nos. 11, 15.

Plaintiff does not have a constitutional right to appointed counsel in this action, *see Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court lacks the authority to require an attorney to represent plaintiff. *See Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). The court may request the voluntary assistance of counsel. *See* 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent any person unable to afford counsel"); *Rand*, 113 F.3d at 1525. However, without a means to compensate counsel, the court will seek volunteer counsel only in exceptional circumstances. In determining whether such circumstances exist, "the district court must evaluate both the likelihood of success on the merits

1 [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
2 legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and citations omitted).

3 The complaint’s allegations are not exceptionally complicated, and plaintiff has not
4 established that he is likely to succeed on the merits. Further, plaintiff has demonstrated an
5 adequate ability to represent his interests in this action. For these reasons, plaintiff’s motions to
6 appoint counsel, ECF Nos. 11 & 15, are denied without prejudice.

7
8 IT IS SO ORDERED.

9 Dated: August 11, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE